

Notice of Allowability

Application No.

10/789,201

Examiner

Phillip H. Nguyen

Applicant(s)

BRUMME ET AL.

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 3/21/2008.
2. ☒ The allowed claim(s) is/are 26,27,29,31,39,40,51,53 and 54.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 12262007
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

DETAILED ACTION

1. This action is in response to the amendment filed 3/21/2008.
2. Per applicant's request, claims 1-25, 28, 30, 41-50, and 52 have been canceled; claims 26, 29, 31, 51, and 53 have been amended.
3. Claims 26, 27, 29, 31, 39, 40, 51, 53, and 54 are allowed.

EXAMINER'S AMENDMENT

4. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Examiner in his final action indicated that claims 30, 31 and 52-54 are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, during the final review, examiner realized that the amended claim 51 was not in allowable condition but it would be allowable if modify to recite the similar limitations as in claim 26 to further clarify the invention. Therefore, examiner initiated a telephone interview with applicant's representative, Jason F. Lindh (Reg. No. 59,090) on 4/17/2008 to seek an examiner's amendment. Authorization for this examiner's amendment was given in a telephone interview with Jason F. Lindh on 4/17/2008. The examiner's amendment is necessitated for further clarifying the claimed invention.

Claim 51 has been amended as follow:

51. A method comprising:

receiving a code unit;

determining that the code unit is to be rewritten by a rewriter, wherein the rewriter is determined by a rewrite manager that accesses a rewrite list that identified which rewriter to apply to rewrite the code unit and provides a ~~the~~ sequence the rewriters are applied to the code unit;

determining if the code unit and the rewriter are trusted;

running the rewriter against the code unit to generate a rewritten code unit if the code unit and the rewriter are trusted;

generating a first digital signature associated with the ~~for the rewritten~~ code unit;

generating a set of second digital signatures, each second digital signature associated with a specific rewriter from the rewrite list, wherein the rewrite manager is further configured to determine if the code unit is trusted based on the first digital signature, determine if each rewriter from the identified one or more rewriter is trusted based on a corresponding second digital signature from the set of second digital signatures, and execute the identified one or more rewriters against the code unit only if both the code unit and each rewriter from the identified one or more rewriters are trusted;

attaching the first digital signature to the rewritten code unit; and

storing the rewritten code unit in a cache.

EXAMINER'S STATEMENT OF REASON(S) FOR ALLOWANCE

5. The following is a statement of reasons for the indication of allowable subject matter.

The prior art of record, i.e. Lowney et al. (USPN: 6,324,689), taken alone or in combination with other prior art fails to teach or reasonably suggest in combination with other claimed limitations *generating a first digital signature associated with the code unit; generating a set of second digital signatures, each second digital signature associated with a specific rewriter from the rewrite list, wherein the rewrite manager is further configured to determine if the code unit is trusted based on the first digital signature, determine if each rewriter from the identified one or more rewriter is trusted based on a corresponding second digital signature from the set of second digital signatures, and execute the identified one or more rewriters against the code unit only if both the code unit and each rewriter from the identified one or more rewriters are trusted* as recited in the independent claims 26 and 51.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phillip H. Nguyen whose telephone number is (571) 270-1070. The examiner can normally be reached on Monday - Thursday 10:00 AM - 3:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PN
5/19/2008

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191